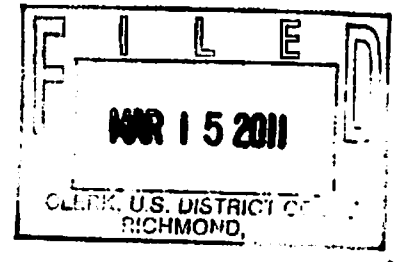


**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**



JOHN DAVID McBRIDE,

Petitioner,

v.

Civil Action No. **3:10CV918**

GENE M. JOHNSON,

Respondent.

MEMORANDUM OPINION

Petitioner, a Virginia inmate, mailed to the Court an "Emergency Motion to Show Cause" wherein he requests "this Court to order the Respondent to answer why Petitioner continues to be falsely detained after Respondent has confirmed there is no sentencing order or commitment order to detain Respondent [sic]." (Docket No. 1 (capitalization corrected).)

By Memorandum Order entered on January 20, 2011, the Court informed Petitioner that if he wished to invoke this Court's jurisdiction under 28 U.S.C. § 2254, he must do so unequivocally and in accordance with the rules governing such actions. The Court provided Petitioner with the forms for doing so and provided Petitioner with eleven (11) days to submit the forms. The Court informed Petitioner that failure to do so would result in the dismissal of this action.

Subsequently, Petitioner submitted a motion for leave to proceed *in forma pauperis* and two letters to the Court which recite Petitioner's claims. Petitioner has not returned the forms the Court provided him and thus has not invoked this Court's jurisdiction under 28 U.S.C. § 2254. Petitioner has not otherwise submitted a "statement of the grounds for the court's jurisdiction." Fed. R. Civ. P. 8(a)(1). Accordingly, Petitioner's Emergency Motion to Show Cause (Docket

No. 1) and Motion for Leave to Proceed *In Forma Pauperis* (Docket No. 5) will be DENIED.

The action will be DISMISSED WITHOUT PREJUDICE.

An appropriate Order shall issue.

Date: 3-15-11
Richmond, Virginia

<p style="text-align: center;"><u>/s/</u> James R. Spencer Chief United States District Judge</p>
